

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-33738 – APPLICANT: BLACK GAMING - OWNER: REBEL OIL CO., INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WOLFSON.

**** CONDITIONS ****

The Planning Commission (3-2/gt/ke vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the conditions of approval for Variance (V-0043-96).
2. This Variance (V-0043-96) shall be placed on an agenda closest to August 15, 2012 at which time the City Council may require the Off-Premise Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign (Billboard) is removed.
3. Conformance to the size requirements for an Off-Premise Sign in accordance with Title 19.14.100 within 30 days of City Council.
4. The Off-Premise Sign (Billboard) and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign (Billboard).
5. If the existing off-premise sign is voluntarily demolished, this Variance (V-0043-96) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a Required Review of a previously approved Variance (V-0043-96) that allowed a 55-foot tall, 14-foot by 48-foot Off-Premise Sign (Billboard) at 921 North Buffalo Drive.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
03/16/83	The City Council approved a request for a Rezoning (Z-0010-83) from R-1 (Single-Family Residential) to R-3 (Medium Density Residential) of property generally located on the south side of Johnson Avenue between Pecos Street and Honolulu Street. The Planning Commission recommended approval on 02/22/83.
01/20/93	The City Council approved a request for a Variance (V-0172-92) to allow an Off-Premise Sign (Billboard) within 660 feet of the nearest right-of-way line of Summerlin Parkway where such use is prohibited. The Board of Zoning Adjustment recommended denial on 12/22/92.
01/20/93	The City Council Struck from the agenda a request for a Special Use Permit (U-0238-92) to allow a 21-foot by 32-foot Off-Premise Sign (Billboard) located at the northwest corner of North Buffalo Drive and West Washington Avenue. The Board of Zoning Adjustment recommended denial on 09/22/92.
06/19/96	The City Council approved a request for a Variance (V-0043-96) to allow an existing non-conforming Off-Premise Sign (Billboard) to be relocated from 280 feet to 130 feet from a residential district where 300 feet is the minimum distance separation required at 911 North Buffalo Drive. The Board of Zoning Adjustment recommended approval on 05/28/96.
11/20/96	The City Council approved a request for a Plot Plan and Building Elevation Review [U-0194-93(4)] for a proposed Tavern with a proposed Restaurant in an approved Retail Shopping Center at 903 North Buffalo Drive. The Board of Zoning Adjustment recommended approval on 10/22/96.
05/11/98	The City Council approved a request for a Variance (V-0001-98) to allow an existing 40-foot tall, legal non-conforming Off-Premise Sign (Billboard) within the Off-Premise Exclusionary Zone to be raised to a height of 55 feet where such is not allow at 901 North Buffalo Drive. The Board of Zoning Adjustment recommended approval on 03/03/98.
08/15/01	The City Council approved a request for a Required Review [V-0043-96(1)] of an approved Variance (V-0043-96) that allowed an existing conforming Off-Premise Sign (Billboard) to be relocated from 280 feet to 130 feet from a residential zoning district where 300 feet is the minimum distance required at 911 North Buffalo Drive.

10/16/08	A Code Enforcement case (70714) was processed for a Physical Therapist office chaining a sign to a streetlight at the corner of Buffalo Drive and Washington Avenue. The sign blocks the southwest corner- owner asked to remove the sign and they refused. Code Enforcement closed the case on 10/20/08.
06/11/09	The Planning Commission voted 3-2/gt/ke to recommend DENIAL (PC Agenda Item #24/ds).
<i>Related Building Permits/Business Licenses</i>	
04/03/98	A building permit (98007014) was issued for a Convenience Store at 901 North Buffalo Drive. The permit was finalized on 10/20/98.
04/03/98	A building permit (98007015) was issued for Fuel Island Canopies at 901 North Buffalo Drive. The permit was finalized on 10/20/98.
06/01/98	A building permit (98011416) was issued for a new building at 901 North Buffalo Drive. The permit was finalized through Plans Check C-246-97.
07/27/98	A building permit (98015204) was issued for a pole sign with electricity at 901 North Buffalo Drive. The permit was finalized on 10/02/98.
08/13/98	A building permit (98016548) was issued for a water feature that is 15 inches deep at 901 North Buffalo Drive. The permit was finalized on 10/02/98.
09/15/98	A building permit (98018674) was issued to raise an existing billboard to a height of 55 feet at 911 N. Buffalo Drive. The permit was finalized on 10/09/98.

<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
04/09/09	<p>Staff conducted a field check of the subject site with the following observations:</p> <ul style="list-style-type: none"> • The sign has no embellishments, animated signage, or electronic displays. • Two different size billboard signs are displayed; one does not appear to meet Title 19.14.100 requirements. • The backs of one billboard's structural components are viewable to the public. • The sign facings and supporting structure appear in good condition.

Note: A condition of approval has been added for the Off-Premise Sign to be in conformance with the size requirements of Title 19.14.100 within 30 days of City Council.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.90

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
South	Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
East	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail Establishment and Office	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1, C-2, C-M, and M zoning districts only	Sign is located in a C-1 (Limited Commercial) zoning district.	Y

Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign does not have an embellishment. One of the sign faces appears to exceed Title 19.14 size requirements.	N
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 55 feet tall.	N*
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	The structural elements behind one of the sign faces are exposed and viewable to the public.	N
Off-Premise Sign (Billboard)	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-premise Sign (if not along US-95)	Sign is at least 300 feet from another billboard sign.	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	Sign is approximately 100 feet from property zoned for residential use.	N**
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently secured to the ground and the sign is not located on property zoned for residential use.	Y

* The City Council approved a request for a Variance (V-0001-98) to allow an existing 40-foot tall, legal non-conforming Off-Premise Sign (Billboard) within the Off-Premise Exclusionary Zone to be raised to a height of 55 feet where such is not allow at 901 North Buffalo Drive.

** The City Council approved a request for a Variance (V-0043-96) to allow an existing non-conforming Off-Premise Sign (Billboard) to be relocated from 280 feet to 130 feet from a residential district where 300 feet is the minimum distance separation required at 911 North Buffalo Drive.

ANALYSIS

This is the second Required Review of a previously approved Variance (V-0043-96) for an existing legal non-conforming Off-Premise Sign (Billboard) to be relocated from 280 feet to 130 feet from a residential district where 300 feet is the minimum distance separation required at 911 North Buffalo Drive. Additionally, an additional Variance (V-0001-98) was approved for the same sign allowing the height to be raised to 55 feet.

A research of the building permit activity found that sign permit #98018674 was issued to raise the billboard sign to a height of 55 feet, which received a final inspection on 10/09/98 under the address of 911 North Buffalo Drive. Staff conducted a field check of the subject site and found though the sign faces and supporting structure were in good condition, one of the faces appeared to exceed Title 19.14.100 size requirements pertaining to a maximum size of 672 square feet.

FINDINGS

The sign is located in a C-1 (Limited Commercial) zoning district and is within the Off-Premise Sign Exclusionary Zone, therefore, is considered an existing legal non-conforming sign. Title 19.14.100 limits the size of an Off-Premise Sign (Billboard) to a maximum of 672 square feet. During a site inspection, staff found the structure had two (2) different size signs with one that appeared to exceed Title 19 size requirements. Additionally, the structural elements behind the larger sign were easily viewable to the public. As the sign does not meet Title 19.14.100 size requirements, staff recommends denial of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 759 by City Clerk

APPROVALS 0

PROTESTS 23